

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-269-C - ORDER NO. 2008-532

JULY 23, 2008

IN RE: Petition of DeltaCom, Inc. d/b/a DeltaCom)	ORDER GRANTING
for Review of NANPA NXX Code Denial in)	NANPA NXX RELIEF
Little Mountain-South Rate Center)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of DeltaCom, Inc. d/b/a DeltaCom (“DeltaCom” or the “Company”) for Review of the North America Numbering Plan Administration (“NANPA”) central office code numbering resources in the 803 area code. According to DeltaCom, on June 5, 2008, DeltaCom requested that NANPA assign the two thousand number blocks (6000 and 9000) in the existing 803-941NPA-NXX or a new 803 NX8 to meet the numbering resource demands of two new plants owned by a large business customer of DeltaCom. DeltaCom’s customer maintains an existing dialing plan in the Chapin Little Mountain South, South Carolina exchange. NANPA refused to provide the requested numbering resources because the Chapin Little Mountain South Center fails to meet the rate center based months-to-exhaust (“MTE”) and utilization criteria set forth in the Central Office Code NXX Guidelines.

NANPA’s refusal stems from the Federal Communications Commission’s (“FCC”) "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of

the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Chapin Little Mountain South Rate Center is 4.7 months from exhausting their inventory and is using 53.3 percent of its numbering resources.

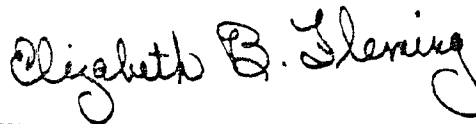
DeltaCom petitions the Commission to reverse NANPA's decision. The Company states that it does not have the resources in the Chapin Little Mountain South Rate Center necessary to serve the needs of its customer and will therefore be unable to provide the telecommunications services requested by this customer if the additional numbering resources are not obtained. Although DeltaCom fails to meet NANPA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA denying a request for numbering resources. We further find that DeltaCom has demonstrated

receipt of a customer request for numbering resources in the Chapin Little Mountain South Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for DeltaCom to provide this customer with its required telecommunications service. Consequently, we hold that NANPA is directed to approve DeltaCom's code assignment of the two thousand number blocks (6000 and 9000) in the 803-941 NPA-NXX or provide a new 803-NX8 that it recently requested for the Chapin Little Mountain South Rate Center.

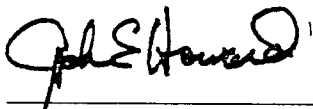
This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)